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FILED 10 FEB 19 15:21 USDC OR

Attorneys for Defendants Comcast Phone of Oregon, LLC;
Electric Lightwave, LLC; Eschelon Telecom, Inc.;
Eschelon Telecom of Oregon, Inc.; and Integra Telecom of Oregon, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**NORTH COUNTY COMMUNICATIONS
CORPORATION, a California corporation,**

PLAINTIFF,

v.

**360NETWORKS (USA), INC., a Nevada
corporation; ALLEGIANCE TELECOM
INTERNATIONAL, INC., a Delaware
corporation; ALLEGIANCE TELECOM OF
OREGON, INC., a Delaware corporation;
COMCAST PHONE OF OREGON, LLC, a
Delaware limited liability company;
ELECTRIC LIGHTWAVE, LLC, a
Delaware limited liability company;
ESCHELON TELECOM, INC., a Delaware
corporation; ESCHELON TELECOM OF
OREGON, INC., a Minnesota corporation;
INTEGRA TELECOM OF OREGON, INC.,
an Oregon corporation; and TELEPORT
COMMUNICATIONS GROUP, INC., a
Delaware corporation,**

DEFENDANTS.

Case No. **CV'10-0180- PK**

**NOTICE OF REMOVAL
and DEMAND FOR JURY TRIAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
OREGON

Page 1 – NOTICE OF REMOVAL

DWT 14045047v1 0050033-004795

#31763

Defendants Comcast Phone of Oregon, LLC (“Comcast”); Electric Lightwave, LLC (“ELI”); Eschelon Telecom, Inc. (“Eschelon”); Eschelon Telecom of Oregon, Inc. (“Eschelon-Oregon”); and Integra Telecom of Oregon, Inc. (“Integra”) (collectively, “Defendants”) for their Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 and through their undersigned counsel, state as follows:

1. Plaintiff North County Communications Corporation (“North County”) commenced an action in the Circuit Court of the State of Oregon, County of Multnomah, (“Multnomah County Court”) by filing a Complaint on January 12, 2010.

2. Each of the Defendants received a Summons and Complaint on January 19, 2010. A copy of the Complaint is attached as Exhibit A, and copies of the Summonses are attached as Exhibit B, and constitute all process, pleadings, and orders received by Defendants in the action up to the present date.

3. This Notice of Removal is filed with this Court within thirty (30) days of receipt of the Complaint by each Defendant as required by 28 U.S.C. § 1446(b).

4. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, which provide for removal of a civil action arising under the Constitution, laws, or treaties of the United States.

5. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the District of Oregon is the federal district court for the district embracing the place where the state court suit is pending.

6. Venue lies in this Court because plaintiff’s action is pending in Multnomah County Circuit Court, which is within this District and Division. 28 U.S.C. § 1446(a).

FEDERAL QUESTION JURISDICTION EXISTS

7. Removal of this action to the United States District Court for the District of Oregon is proper based on federal question jurisdiction under 28 U.S.C. § 1331 because Plaintiff's First and Third Causes of Action attempt to determine and enforce rights that purport to arise under the Constitution, laws, or treaties of the United States, specifically the Federal Communications Act and the rules of the Federal Communications Commission. *See Sparta Surgical Corp. v. Nat'l Assn. of Sec. Dealers, Inc.*, 159 F.3d 1209 (9th Cir. 1998).

8. Plaintiff's Second Cause of Action also attempts to enforce rights purporting to arise under the Federal Communications Act (Complaint ¶¶ 42–49). But to the extent Plaintiff may have intended its Second Cause of Action to state a claim arising under State law, the Court has supplemental jurisdiction over that cause of action under 28 U.S.C. § 1367.

9. Defendants are serving written notice of the filing of this Notice of Removal upon North County and will cause a copy of this Notice to be filed with the Court Administrator of the Multnomah County Circuit Court in accordance with 28 U.S.C. § 1446(d).

10. Defendants reserve the right to amend or supplement this Notice of Removal.

11. Defendants have good and sufficient defenses to this action and do not waive any defenses, jurisdictional or otherwise, by the filing of this Notice.

12. Pursuant to Fed. R. Civ. P. 81(c), Defendants shall answer, move, plead, or otherwise respond to the Complaint within seven (7) days of the date of filing this Notice of Removal.

13. This notice is filed in accordance with Fed. R. Civ. P. 11.

14. Upon information and belief, Defendants assert that Allegiance Telecom International, Inc. and Allegiance Telecom of Oregon, Inc. have not been served at the time of

this Notice or are defunct corporations and are nominal defendants. Upon information and belief, Defendants further assert that defendants 360Networks (USA), Inc. and Teleport Communications Group, Inc. are nominal defendants.

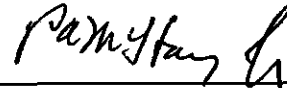
15. Defendants request a jury trial on all issues so triable.

WHEREFORE, Defendants remove the above-captioned action from the Circuit Court of the State of Oregon, County of Multnomah, to the United States District Court for the District of Oregon.

DAVIS WRIGHT TREMAINE LLP

Dated: February 18, 2010

By



Mark Trinchero, OSB #883221

marktrinchero@dwt.com

P. Andrew McStay, Jr., OSB #033997

andrewmcstay@dwt.com


Attorneys for Defendants

(503) 241-2300 (telephone)

(503) 778-5299 (facsimile)

Attorneys for Defendants Comcast Phone of Oregon, LLC; Electric Lightwave, LLC; Eschelon Telecom, Inc.; Eschelon Telecom of Oregon, Inc.; and Integra Telecom of Oregon, Inc.

JAN 12 2010


 TRUE COPY
 OF ATTORNEYS FOR Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
 FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
 CORPORATION, a California corporation,

No. **1001-00546**

Plaintiff,

vs.

**COMPLAINT FOR DAMAGES
 AND DECLARATORY RELIEF**
 (Breach of Implied Contract;
 Quantum Meruit; Declaratory
 Relief (28 U.S.C. § 2201))

360NETWORKS (USA), INC., A Nevada
 Corporation; ALLEGIANCE TELECOM
 INTERNATIONAL, INC., a Delaware
 Corporation; ALLEGIANCE TELECOM OF
 OREGON, INC., a Delaware Corporation;
 COMCAST PHONE OF OREGON, LLC, a
 Delaware Limited Liability Company;
 ELECTRIC LIGHTWAVE, LLC, a Delaware
 Limited Liability Company; ESCHOLON
 TELECOM, INC., a Delaware Corporation;
 ESCHOLON TELECOM OF OREGON,
 INC., a Minnesota Corporation; INTEGRA
 TELECOM OF OREGON, INC., an Oregon
 Corporation; TELEPORT
 COMMUNICATIONS GROUP, INC., a
 Delaware Corporation,

Claim does not exceed \$75,000

Not Subject to Mandatory
 Arbitration

Defendants.

INTRODUCTORY STATEMENT

1.

Plaintiff is a competitive local phone company, or "CLEC", that provides switched
 and non-switched local exchange, exchange access, and other telecommunications services to
 end users in Oregon. Competitive Local Exchange Carrier ("CLEC") is a wireline telephone
 company providing local exchange service (local telephone service) that is not one of the

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 1500 SW Taylor Street
 Portland, Oregon 97205
 (503) 220-0717

1 former monopoly local phone companies (i.e. Qwest, AT&T, etc.).

2 2.

3 Defendants are CLEC providers that offer calling plans allowing calls to areas
4 serviced by North County Communications Corp. ("North County").

5 3.

6 The Defendants' end users make "local" calls to North County's end users.

7 4.

8 Carriers have a duty of reciprocal compensation for this type of "local" traffic where
9 the carrier of the end user who originates or "makes" the call pays the carrier who terminates
10 the call to its end user who "receives" the call.

11 5.

12 This reciprocal compensation of carriers has traditionally been set by carriers filing a
13 schedule of rates (commonly referred to as a "Tariff"). Oregon has chosen not to use a tariff
14 system for CLEC's. Instead Oregon handles intercarrier compensation through private
15 contract or use of informal price lists and good faith that carriers will pay for services
16 performed in the absence of contract.

17 6.

18 North County has interconnection agreements with other CLEC's and incumbent local
19 exchange carriers (former monopoly LEC's) such as Qwest Corp.

20 7.

21 North County has a public official price list available to any interconnecting carrier
22 stating its rates for this reciprocal compensation, a copy of which is attached hereto as
23 Exhibit 1, and it is incorporated herein by reference as if set forth verbatim. This price list
24 was published to the Oregon Public Utilities Commission as is always available from North
25 County directly.

26 /////

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1 8.

2 North County has served invoices on Defendants for terminating traffic to North
3 County's end users.

4 9.

5 Defendants have not paid these invoices and continue to terminate traffic to North
6 County. North County is required to interconnect with Defendants and accept traffic from
7 them and is now in the position of having to collect for services rendered and ensure payment
8 for future call termination services.

9 **JURISDICTION AND VENUE**

10 10.

11 This action is brought under Oregon state law, to recover damages and the costs of
12 suit, including reasonable attorneys' fees, against the Defendants for the injuries plaintiff,
13 North County Communications Corp. (hereinafter referenced as "North County") received in
14 the State of Oregon. The exchanges of local telecommunications traffic for which fair
15 compensation is owed occurred wholly within the state of Oregon, and a substantial portion
16 of which in Multnomah County. This action is also brought under the Federal Declaratory
17 Judgment Act, 28 U.S.C. §2201 (a).

18 11.

19 At all times relevant to this complaint the defendants were registered with the
20 Secretary of State to do business in the State of Oregon, and were in fact doing business in
21 Multnomah County.

22 **PARTIES**

23 12.

24 Plaintiff NORTH COUNTY COMMUNICATIONS CORPORATION, a California
25 corporation, is a competitive local exchange carrier ("CLEC") that provides
26 telecommunications services in Multnomah County and throughout Oregon pursuant to the

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1 Telecommunications Act of 1996 and Oregon state law.

2 13.

3 Plaintiff is informed and believes that ALLEGIANCE TELECOM
4 INTERNATIONAL, INC. is a Delaware Corporation and was, at all times relevant to this
5 Complaint, doing business in Multnomah County, Oregon.

6 14.

7 Plaintiff is informed and believes that ALLEGIANCE TELECOM OF OREGON,
8 INC. is a Delaware Corporation and was, at all times relevant to this Complaint, doing
9 business in Multnomah County, Oregon.

10 15.

11 Plaintiff is informed and believes that COMCAST PHONE OF OREGON, LLC is a
12 Delaware Limited Liability Company and was, at all times relevant to this Complaint, doing
13 business in Multnomah County, Oregon.

14 16.

15 Plaintiff is informed and believes that ELECTRIC LIGHTWAVE, LLC is a Delaware
16 Limited Liability Company and was, at all times relevant to this Complaint, doing business in
17 Multnomah County, Oregon.

18 17.

19 Plaintiff is informed and believes that ESCHELON TELECOM, INC. is a Delaware
20 Corporation and was, at all times relevant to this Complaint, doing business in Multnomah
21 County, Oregon.

22 18.

23 Plaintiff is informed and believes that ESCHELON TELECOM OF OREGON, INC.
24 is a Minnesota Corporation and was, at all times relevant to this Complaint, doing business in
25 Multnomah County, Oregon.

26 /////

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19.

Plaintiff is informed and believes that INTEGRA TELECOM OF OREGON, INC. is an Oregon Corporation and was, at all times relevant to this Complaint, doing business in Multnomah County, Oregon.

FACTUAL ALLEGATIONS

20.

Congress in 1996, as part of the continuing introduction of competition into telephony services, passed the Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996) (the "Act"). Prior to the Act, local phone service was run by monopolies, now referred to as Incumbent Local Exchange Carriers ("ILEC's") The Act allowed new companies, called Competitive Local Exchange Carriers ("CLEC's"), to compete with the ILEC's and other CLEC's in providing local telephony service.

21.

Plaintiff is a CLEC that provides switched and non-switched local exchange, exchange access, and other telecommunications services to end users in Oregon.

22.

Defendants are other CLEC providers that offer calling plans allowing calls to end users serviced by North County.

23.

The Defendants' end users make local area and intraLATA calls to North County's end users. Local Access and Transport Area ("LATA") is a regional subdivision of the United States used solely in wireline telephony and are based on the region that creates a "local" market both economically and in terms of the technical hubs and aggregation points for wireline communications traffic. IntraLATA traffic is traffic that originates and terminates in the same LATA, but is "long distance" because it is not in the same local calling area, and IntraLATA traffic is regulated by the states rather than the FCC.

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1 24.

2 North County connects, or "terminates," local area and intraLATA calls sent to North
3 County's end users by the Defendants' end users.

4 25.

5 North County incurs costs in terminating local area and intraLATA calls sent to North
6 County's end users by the Defendants' end users.

7 26.

8 North County has an obligation to accept traffic from Defendants pursuant to 47
9 U.S.C. 251(a)(1): "Each telecommunications carrier has the duty to interconnect directly or
10 indirectly with the facilities and equipment of other telecommunications carriers."

11 27.

12 Defendants have a duty to compensate North County for completing their calls
13 pursuant to 47 U.S.C. 251(b)(5): "Each local exchange carrier has . . . [t]he duty to establish
14 reciprocal compensation arrangements for the transport and termination of
15 telecommunications." State utilities commissions have historically overseen the
16 determination of what constitutes local traffic and how it is compensated.

17 28.

18 The Oregon Public Utilities Commission, unlike many states, decided that it does not
19 have the statutory authority to require CLEC's to file tariffs. The Oregon Public Utilities
20 Commission therefore left enforcement of the duty of intercarrier compensation among
21 CLEC's such as Plaintiff and Defendants here up to private compensation agreements
22 (usually "interconnection agreements") or the state laws of equity in the rare situation where
23 there is no contract.

24 29.

25 The Defendants send traffic to the Plaintiff in the absence of an interconnection
26 agreement or a reciprocal compensation arrangement.

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1 30.

2 North County has, and has had for the entire time complained of herein, a valid public
3 price list available to interconnecting carriers.

4 31.

5 North County began sending monthly bills to the Defendants for traffic termination in
6 January, 2003.

7 32.

8 Consistent with North County's price list and the FCC's traffic termination default
9 rate, North County billed the defendants \$0.004 per minute and \$0.007 per call set-up.

10 33.

11 Defendants have refused to pay these charges billed pursuant to the price list and
12 equitable duty to pay for services rendered.

13 34.

14 Defendants have continued sending traffic to the Plaintiff's end users, which North
15 County must connect, without compensating Plaintiff for call set-up or minutes of use.

16 **FIRST CLAIM FOR RELIEF**

17 **Breach of Implied Contract**

18 **(Against All Defendants)**

19 35.

20 Plaintiff incorporates by reference the allegations in paragraphs 1 through 34, above,
21 as though fully set forth herein.

22 36.

23 47 U.S.C. 251(b)(5) imposes a duty of reciprocal compensation on interconnecting
24 carriers when they pass traffic to a CLEC such as North County.

25 37.

26 Defendants did pass traffic to North County which it must terminate to the call recipient and

PAGE 7 -- COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF

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1 such conduct gives rise to an implied contract in the absence of a formal one since
2 Defendants are obligated to pay for services rendered by 47 U.S.C. 251(b)(5).

3 38.

4 No reasonable person could believe that North County was providing a gift or
5 terminating the traffic without expectation of compensation due to North County billing for
6 services rendered and the continued termination of traffic after repeated billings.

7 39.

8 The fair value of the services rendered is set by North County's public price list.

9 40.

10 As a result of the foregoing, Plaintiff has been damaged by Defendants refusal to pay
11 publicly announced rates in an approximate amount of \$ 75,000, with the exact amount to be
12 determined at the time of trial.

13 41.

14 Plaintiff is entitled to an award of its reasonable attorney fees and costs pursuant to
15 47 U.S.C. §§ 201, 206.

16 **SECOND CLAIM FOR RELIEF**

17 **Quantum Meruit**

18 **(Against All Defendants)**

19 42.

20 Plaintiff incorporates by reference the allegations in paragraphs 1 through 41, above,
21 as though fully set forth herein.

22 43.

23 In order to maintain the ubiquity and seamlessness of the telecommunications system,
24 Plaintiff is required to terminate calls which originate on Defendants' networks and which are
25 intended for Plaintiff's end-users.

26 /////

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1 44.

2 Plaintiff terminated these calls and incurred costs in the process.

3 45.

4 Defendants knowingly accepted, used, enjoyed and benefitted from the services
5 provided by the Plaintiff.

6 46.

7 North County sent bills to the Defendants reflecting the reasonable value of the
8 services provided in the approximate amount of \$ 75,000, with the exact amount to be
9 determined at trial.

10 47.

11 The Defendants have not disputed the reasonable value of the services provided or the
12 billings sent, nor have they paid said bills.

13 48.

14 It would be unjust to allow the Defendants to have the benefit of Plaintiff's services
15 without paying reasonable compensation for these benefits and the Defendants should be so
16 ordered to pay.

17 49.

18 Plaintiff is entitled to an award of its reasonable attorney fees and costs pursuant to
19 47 U.S.C. §§ 201, 206.

20 **THIRD CLAIM FOR RELIEF**

21 **Federal Declaratory Relief**

22 **(Against All Defendants)**

23 50.

24 Plaintiff incorporates by reference the allegations in paragraphs 1 through 49, above,
25 as though fully set forth herein.

26 /////

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1 51.

2 North County seeks a judicial determination and declaration of its rights pursuant to
3 the Declaratory Judgment Act, 28 U.S.C. § 2201.

4 52.

5 Plaintiff asserts that it is entitled to be compensated for the termination of traffic
6 which the Defendants sent and continue to send to Plaintiff's end-users and Plaintiff is
7 informed and believes that the Defendants deny their obligation to pay the Plaintiff reciprocal
8 compensation. As a result, an actual controversy exists between the parties; and, it is in the
9 interests of judicial economy for this court to determine (1) the number of calls and the
10 number of minutes originating on the Defendants' networks and terminated on the Plaintiff's
11 network up through the time of trial, (2) that the Plaintiff is entitled to receive mutual
12 compensation for the termination of calls to Plaintiff's end-users which originate on the
13 Defendants' networks, and (3) that the Defendants are required to commit to compensate
14 Plaintiff at the public price list rate.

15 53.

16 Plaintiff is entitled to an award of its reasonable attorney fees and costs pursuant to
17 47 U.S.C. §§ 201, 206.

18 WHEREFORE, Plaintiff prays for judgment in its favor and against defendants as
19 follows:

- 20 (1) On its First and Second Claims for Relief, for damages in the amount of at least
21 \$75,000;
- 22 (2) On its Third Claim for Relief, for a declaration of the parties' rights and
23 responsibilities with respect to (i) the number of calls and the number of minutes
24 originating on the Defendants' networks and terminated on the Plaintiff's network for
25 the time relevant to this complaint, (ii) the Plaintiff's entitlement to receive mutual
26 compensation for the termination of calls to Plaintiff's end-users which originate on

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1 the Defendants' networks, and (iii) the Defendants' obligation to compensate Plaintiff
2 at a rate to be determined by the appropriate regulatory body, or else refrain from
3 sending any traffic to Plaintiff's end-users;


4 (3) For its reasonable attorneys' fees;

5 (4) For costs of suit incurred herein; and

6 (5) Such other and further relief as justice may require.

7 DATED this 12th day of January, 2010.

8 **KENT & JOHNSON, LLP**

9 
10 Christopher H. Kent, OSB No. 852530
11 ckent@kentlaw.com
12 Leslie S. Johnson, OSB No. 954727
13 ljohnson@kentlaw.com
14 Fax: (503) 220-4299
15 Attorneys for Plaintiff

16 59346

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26
PAGE 11 – COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF

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Portland, Oregon 97205
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Exhibit A

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02/01/01 12:48 FAX 415 398 4321

GMSRD

002

NORTH COUNTY COMMUNICATIONS CORPORATION**OFFICIAL PRICE LIST: STATE OF OREGON****Switched Access Service**

1. Switched Access Service is available to interexchange carriers for originating or terminating intrastate interexchange calls to end user subscribers over local exchange lines furnished by the Company. The Company concurs in, and Switched Access Service is provided pursuant to, the intrastate switched access service tariff schedules of the ILEC in whose territory the service is provided on file with the Oregon Public Utility Commission that are current and in effect. Reference is hereby made to those schedules for all rates, terms, and conditions applicable to intrastate Switched Access Services provided by the Company.

2. Rates

Rate Element	Charge
Local Switching (per access minute)	\$0.0785

NORTH COUNTY COMMUNICATIONS CORPORATION

3902 Roscamana, Suite 465
San Diego, California 92110

OFFICIAL PRICE LIST: STATE OF OREGON

2418/001/228575-1

EXHIBIT 1PAGE 1 OF 1

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
CORPORATION, a California Corporation,

No. 1001-00546

Plaintiff,

SUMMONS

vs.

360NETWORKS (USA), INC., a Nevada Corporation;
ALLEGIANCE TELECOM INTERNAIONAL, INC.,
a Delaware Corporation; et al.

Defendants.

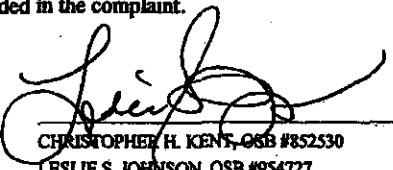
TO: ELECTRIC LIGHTWAVE, LLC

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the third party plaintiffs do not have an attorney, proof of service upon the third party plaintiffs.

If you have any questions you should see an attorney. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


CHRISTOPHER H. KENT, OSB #852530
LESLIE S. JOHNSON, OSB #954727
Of Attorneys for Plaintiff

KENT & JOHNSON, LLP
1500 S.W. Taylor Street
Portland, Oregon 97205
Telephone: (503) 220-0717

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVICING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.


Attorney of Record for Plaintiff

59473

PAGE 1 - SUMMONS

KENT & JOHNSON, LLP
1500 SW Taylor Street
Portland, Oregon 97205
(503) 220-0717

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
CORPORATION, a California Corporation,

No. 1001-00546

Plaintiff,

SUMMONS

vs.

360NETWORKS (USA), INC., a Nevada Corporation;
ALLEGIANCE TELECOM INTERNAIONAL, INC.,
a Delaware Corporation; et al.

Defendants.

TO: COMCAST PHONE OF OREGON, INC.

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

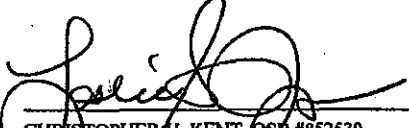
DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the third party plaintiffs do not have an attorney, proof of service upon the third party plaintiffs.

If you have any questions you should see an attorney. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


CHRISTOPHER H. KENT, OSB #852530

LESLIE S. JOHNSON, OSB #954727

Of Attorneys for Plaintiff

KENT & JOHNSON, LLP

1500 S.W. Taylor Street

Portland, Oregon 97205

Telephone: (503) 220-0717


Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVICING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.


Attorney of Record for Plaintiff

59472

PAGE 1 - SUMMONS

KENT & JOHNSON, LLP
1500 SW Taylor Street
Portland, Oregon 97205
(503) 220-0717

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
CORPORATION, a California Corporation,

No. 1001-00546

Plaintiff,

SUMMONS

vs.

360NETWORKS (USA), INC., a Nevada Corporation;
ALLEGIANCE TELECOM INTERNAIONAL, INC.,
a Delaware Corporation; et al.

Defendants.

TO: ESCHELON TELECOM, INC.

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.


DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the third party plaintiffs do not have an attorney, proof of service upon the third party plaintiffs.

If you have any questions you should see an attorney. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


CHRISTOPHER H. KENT, OSB #852530
LESLIE S. JOHNSON, OSB #954727
Of Attorneys for Plaintiff

KENT & JOHNSON, LLP
1500 S.W. Taylor Street
Portland, Oregon 97205
Telephone: (503) 220-0717


Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.


Attorney of Record for Plaintiff

59474

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KENT & JOHNSON, LLP
1500 SW Taylor Street
Portland, Oregon 97205
(503) 220-0717

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
CORPORATION, a California Corporation,

No. 1001-00546

Plaintiff,

SUMMONS

vs.

360NETWORKS (USA), INC., a Nevada Corporation;
ALLEGIANCE TELECOM INTERNAIONAL, INC.,
a Delaware Corporation; et al.

Defendants.

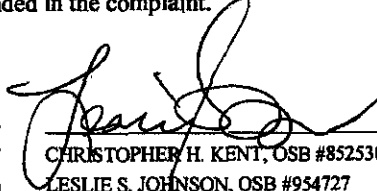
TO: INTEGRA TELECOM OF OREGON, INC.

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

DEFENDANT: READ THESE PAPERS CAREFULLY!

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If you have any questions you should see an attorney. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


CHRISTOPHER H. KENT, OSB #852530
LESLIE S. JOHNSON, OSB #954727
Of Attorneys for Plaintiff

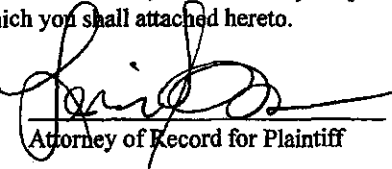
KENT & JOHNSON, LLP
1500 S.W. Taylor Street
Portland, Oregon 97205
Telephone: (503) 220-0717

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVICING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.


Attorney of Record for Plaintiff

59476

PAGE 1 - SUMMONS

KENT & JOHNSON, LLP
1500 SW Taylor Street
Portland, Oregon 97205
(503) 220-0717

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NORTH COUNTY COMMUNICATIONS
CORPORATION, a California Corporation,

No. 1001-00546

Plaintiff,

SUMMONS

vs.

360NETWORKS (USA), INC., a Nevada Corporation;
ALLEGIANCE TELECOM INTERNAIONAL, INC.,
a Delaware Corporation; et al.

Defendants.

TO: ESCHELON TELECOM OF OREGON, INC.

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

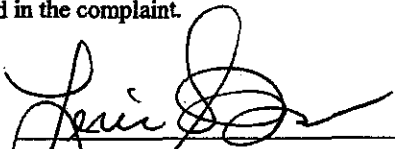
DEFENDANT: READ THESE PAPERS CAREFULLY:

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If you have any questions you should see an attorney. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiffs, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


CHRISTOPHER L. KENT, OSB #852530
LESLIE S. JOHNSON, OSB #954727
Of Attorneys for Plaintiff

KENT & JOHNSON, LLP
1500 S.W. Taylor Street
Portland, Oregon 97205
Telephone: (503) 220-0717


Attorney of Record for Plaintiff

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Attorney of Record for Plaintiff

59475

PAGE 1 - SUMMONS

KENT & JOHNSON, LLP
1500 SW Taylor Street
Portland, Oregon 97205
(503) 220-0717

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF REMOVAL**
on:

Christopher H. Kent
Leslie S. Johnson
Kent & Johnson, LLP
1500 S.W. Taylor Street
Portland, Oregon 97205
(503) 220-0717 (telephone)


Attorneys for Plaintiff

☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope,
addressed to said attorney's last-known address and deposited in the U.S. mail at Portland,
Oregon on the date set forth below;

Dated this 18th day of February, 2010.

DAVIS WRIGHT TREMAINE LLP

By


Mark Trinchero, OSB #88322
marktrinchero@dwt.com
P. Andrew McStay, Jr., OSB #033997
andrewmcstay@dwt.com
Attorneys for Defendants
(503) 241-2300 (telephone)
(503) 778-5299 (facsimile)